

Filed for intro on 01/09/2001  
SENATE BILL 6 By  
Graves

HOUSE BILL 110  
By McDonald

AN ACT to amend Tennessee Code Annotated, Title 69, Chapter 12, Part 1, relative to dam safety.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 69, Chapter 12, Part 1, is amended by adding the following new section:

Section 69-12-127. (a)(1) If the commissioner determines that enlargement, repair, or alteration of an existing dam is required as the direct or indirect result of proposed or actual construction or development in an area within the flood plain of the dam, the commissioner shall require any contractor engaged in such proposed or actual construction or development to post bond in cash or by accepted sureties in an amount sufficient to cover the reasonable cost of enlargement, repair, or alteration of the dam necessitated by such proposed or actual construction or development, plus the commissioner's costs in administering the bond. It shall be unlawful for any contractor to engage in such construction or development without first having posted the bond.

(2)(A) The bond shall be released if the contractor provides proof satisfactory to the commissioner of having paid the reasonable cost of

enlargement, repair, or alteration of the dam and the commissioner's costs in administering the bond.

(B) If the contractor fails or refuses to pay to the owner of the dam the reasonable cost of enlargement, repair, or alteration of the dam, the bond shall be forfeited and the proceeds, less the costs of administering the bond, shall be remitted to the owner of the dam.

(C) If the contractor fails or refuses to pay the commissioner's costs in administering the bond, the bond shall be forfeited and the proceeds necessary to cover the cost of administering the bond shall be retained by the commissioner. The remaining proceeds of the bond shall be remitted to the contractor.

(b) The owner of the dam shall not be required to pay the cost of enlargement, repair, or alteration of a dam required as the direct or indirect result of proposed or actual construction or development in an area within the flood plain of the dam unless the owner of the dam is also a contractor engaged in such proposed or actual construction or development, or is affiliated in any manner with such contractor, whether by common ownership or control, joint venture, or otherwise, as determined by the commissioner.

SECTION 2. Tennessee Code Annotated, Section 69-12-117(d), is amended by inserting the following new language at the beginning of the subsection:

Except as provided in Section 69-12-127,

SECTION 3. This act shall take effect July 1, 2001, the public welfare requiring it.